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Defendant, *pro se*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COUPONS, INC., a California corporation,) Case No. 5:07-cv-03457 HRL
)
Plaintiff,) **[PROPOSED] ORDER GRANTING**
) **DEFENDANT JOHN STOTLEMIRE'S**
) **MOTION TO DISMISS COUPONS,**
) **INC.'S THIRD AMENDED COMPLAINT**
) **PURSUANT TO RULE 12(B)(6) OF THE**
) **FEDERAL RULES OF CIVIL**
) **PROCEDURE**
)
v.)
)
JOHN STOTLEMIRE, and DOES 1-10,)
)
Defendant) Courtroom: 2, 5th Floor
) Judge: Hon. Howard R. Lloyd
)

This matter came before the court on November 4, 2008 on Defendant John Stottlemire's Motion to Dismiss Coupons, Inc.'s third amended first claim for relief, third amended second claim for relief, third amended third claim for relief, third amended fourth claim for relief and third amended fifth claim for relief of the third amended complaint for failure to state a claim on which relief can be granted and for lack of subject matter jurisdiction. The court reviewed the parties' written submissions and oral argument and finds as follows:

- 1.) The first, second, third and fourth claim for relief fail to state a claim on which relief can be granted;
- 2.) The fifth claim for relief lacks subject matter jurisdiction.

Therefore, based upon the above findings and being fully advised in the premises, it is
ORDERED that John Stottlemire's motion to dismiss Coupons, Inc.'s First Claim For Relief,

[PROPOSED] Order Granting Defendant John Stottlemire's Motion to Dismiss Coupons, Inc's
Third Amended Complaint Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure
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1 Second Claim For Relief, Third Claim For Relief and Fourth Claim For Relief under Federal Rules
2 of Civil Procedure 12(b)(6); and John Stottlemire's motion to dismiss Coupons, Inc.'s Fifth Claim
3 For Relief under Federal Rules of Civil Procedure 12(b)(1) are **GRANTED** and the First Claim
4 For Relief, Second Claim For Relief, Third Claim For Relief, Fourth Claim For Relief and Fifth
5 Claim For Relief of the third amended complaint are **DISMISSED** without leave to amend.

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7 Honorable Howard R. Lloyd
8 United States Magistrate Judge
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10 Presented By:
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13 /s/
John Stottlemire
Defendant, *pro se*
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